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11
12 UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF WASHINGTON
14 AT YAKIMA

15 DEMETRIOS VORGIAS,
16 Plaintiff,
17 vs.
18 COMMUNITY HEALTH OF
19 CENTRAL WASHINGTON,
20 Defendant.

NO. 1:21-cv-03013-SAB
DEFENDANT'S TRIAL
WITNESS AND EXHIBIT LISTS

14 Pursuant to this Court's June 2, 2021, Jury Trial Scheduling Order (ECF
15 No. 13) its October 8, 2021, Amended Jury Trial Scheduling Order (ECF No.
16 24), and its February 24, 2022 Order Setting Trial Dates and Deadlines,
17 Defendant Community Health of Central Washington ("CHCW") hereby
18 provides the following list of witnesses it expects to call to testify at trial and
19 exhibits it expects to offer at trial, except for exhibits to be used only for
20 impeachment. Copies of all documentary exhibits are provided herewith.

DEFENDANT'S TRIAL WITNESS AND EXHIBIT
LISTS 1:21-cv-03013-SAB - 1

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1 **A. DEFENDANT'S PRIMARY TRIAL WITNESSES**

2 1. Demetrios Vorgias – Demetrios Vorgias is likely to testify to his
3 claims, residency, performance, failure to mitigate, and damages.

4 2. Dr. Micahlyn Powers (Former Interim Residency Program
5 Director– Dr. Micahlyn Powers was the Interim Director during Plaintiff's
6 residence. She is likely to testify about CHCW's residency program, its criteria
7 for success, its performance standards, its accreditation through ACGME,
8 CHCW's standard of patient care, Plaintiff's contract, Plaintiff's residency, her
9 communications with Plaintiff, her observations of Plaintiff's skills, job
10 performance, and qualifications, his performance counseling and discipline,
11 CARED Committee meetings and information received by CARED related to
12 Plaintiff's job performance, her communications with WPHP, and Plaintiff's
13 separation of employment.

14 3. Dr. Katina Rue (Former Associate Program Director) – Dr. Katina
15 Rue is likely to testify about CHCW's residency program, its criteria for
16 success, its performance standards, its policies, CHCW's standard of patient
17 care, Plaintiff's residency, performance, and her communications with and
18 observations of Plaintiff, CARED Committee meetings and information
19 received by it regarding Plaintiff, and his separation of employment.

20 4. Dr. Caitlin Hill (Former Associate Program Director, current

1 Director) – Dr. Caitlin Hill is likely to testify about CHCW's residency
2 program, its criteria for a medical resident's success, its performance standards,
3 its accreditation through ACGME, CHCW's standard of patient care, Plaintiff's
4 residency, performance, her communications with and observations of
5 Plaintiff's job performance, skills, and qualifications, CARED Committee
6 meetings and information received by CARED related to Plaintiff's job
7 performance, other information she received from faculty and staff regarding
8 Plaintiff, and his separation of employment.

9 5. Dr. David Bauman (Behavioral Health Education Director) - Dr
10 Bauman is likely to testify about CHCW's residency program, its criteria for a
11 medical resident's success, its performance standards, CHCW's standard of
12 patient care, his observations of Plaintiff's job performance, skills, and
13 qualifications, Plaintiff's residency and performance, his communications with
14 the Program Director and CARED, and Plaintiff's separation of employment.

15 6. Dr. Ragina Lancaster (Associate Program Director) – Dr. Ragina
16 Lancaster is likely to testify about CHCW's residency program, its criteria for
17 a medical resident's success, its performance standards, CHCW's standard of
18 patient care, her observations of Plaintiff's job performance, skills, and
19 qualifications, Plaintiff's residency and performance, her communications with
20 the Program Director and CARED.

1 7. Laura McClintock (Human Resources Director) – Laura
2 McClintock is likely to testify about the CHCW's residency program, its
3 accreditation through ACGME, its criteria for a medical resident's success,
4 Plaintiff's contract, CHCW's residency program, Plaintiff's performance, her
5 communications with and observations of Plaintiff, including related to his
6 performance counseling and discipline, CARED Committee meetings and
7 information received by CARED related to Plaintiff's job performance, her
8 communications with WPHP, Plaintiff's separation of employment, and
9 CHCW accommodation processes and procedure for residents.

10 8. Dr. Carlin Miller – Dr. Carlin Miller is likely to testify about CHCW's
11 residency program, its accreditation through ACGME, its criteria for a medical
12 resident's success, success, its standard of patient care, Plaintiff's residency,
13 his and performance, her communications with and observations of Plaintiff's
14 job performance, skills, and qualifications, her communications with the
15 Program Director and CARED.

16 9. Dr. Patrick Moran – Dr. Patrick Moran is likely to testify about
17 CHCW's residency program, its criteria for a medical resident's success, its
18 standard of patient care, Plaintiff's residency, his communications with
19 Plaintiff, his of Plaintiff's job performance, skills, and qualifications, and his
20 communications with the Program Director and CARED.

1 10. Dr. Dominick Nguyen – Dr Nguyen is likely to testify about CHCW's
2 residency program, its criteria for a medical resident's success, its standard of
3 patient care, Plaintiff's residency, his communications with Plaintiff, his of
4 Plaintiff's job performance, skills, and qualifications, and his communications
5 with the Program Director and CARED.

6 11. Dr. Ravneet Dhaliwal – Dr. Ravneet Dhaliwal is likely to testify about
7 CHCW's residency program, its criteria for a medical resident's success, its
8 standard of patient care, Plaintiff's residency, his communications with
9 Plaintiff, his of Plaintiff's job performance, skills, and qualifications, and his
10 communications with the Program Director and CARED.

11 12. Shelley Lewis, MA, CRC CLCP, ABVE/D - Shelley Lewis, MA,
12 CRC CLCP, ABVE/D is Defendant's expert and is likely to testify regarding
13 Plaintiff's job qualifications, post-separation job search, and Plaintiff's failure
14 to minimize his economic damages by failing to engage in a reasonably diligent
15 job search to seek other employment for which he was qualified and was
16 available.

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1 **B. DEFENDANT'S TRIAL EXHIBITS**

Ex. No.	Description	Bates Nos.	Admit	Auth. Disputed	Auth. & Admiss. Disputed
200.	2016 Resident Handbook	CHCW 000001-10			
201.	ACGME Program Requirements	CHCW 000011-20			
202.	Resident Professionalism Agreement and Accountability Policy (4/22/18)	CHCW 000258-259			
203.	Standards of Behavior Agreement (6/27/18)	CHCW 000189			
204.	October 1, 2017 Demetrios Vorgias Residency Application materials	CHCW 000228-243; 255-257			
205.	March 27, 2018 Resident Contract in Family Medicine	CHCW 000179-183			
206.	R 1 FMS Evaluation	CHCW 000126-135			
207.	EKG Selective Evaluation	CHCW 000162			
208.	Resident Individual Learning Plan	CHCW 0000146-156			
209.	July 19, 2018 Self Evaluation	CHCW 000097-98			
210.	September 17, 2018 Email from Joy Gay regarding concerns	CHCW 000044			

1	211.	October 1, 2018 Email from Tiffany Mark regarding concerns	CHCW 000045-46			
2	212.	Resident Individual Learning Plan	CHCW 000047-50			
3	213.	CARED Committee Description	VORGIAS 00039-45			
4	214.	October 23, 2018 CARED Meeting regarding recommending placing Vorgias on a Constructive Citation	CHCW 000051-52			
5	215.	October 23, 2018 New Innovations Evaluation by Dr. Hill	VORGIAS 000080-83			
6	216.	October 24, 2018 Quarterly Review /Constructive Citation	CHCW 000102-103			
7	217.	November 4, 2018 Email from Dr. Bauman regarding feedback	CHCW 000055-56			
8	218.	November 14, 2018 Email from Carlin Miller regarding feedback	CHCW 000053-54			
9	219.	2018-2019 Rotation Comparison	CHCW 000184-186			
10	220.	2018 American Board of Family Medicine In Training Examination Performance Report	CHCW 000167			

DEFENDANT'S TRIAL WITNESS AND EXHIBIT
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1	221.	January 23, 2019 Consequential Citation by CARED Committee	CHCW 000058-60			
2	222.	January 23, 2019 Quarterly Review	CHCW 000163-164			
3	223.	January 28, 2019 Email from Dr. Hill to faculty regarding Consequential Citation	CHCW 000057			
4	224.	February 4, 2019 Email from Dr. Moran regarding feedback	CHCW 000061-62			
5	225.	February 10, 2019 New Innovations Review by Dr. Rue	VORGIAS 000210-213			
6	226.	February 13, 2019 Pre-reading for CARED Meeting	CHCW 000066-71			
7	227.	February 13, 2019 CARED Meeting regarding probation	CHCW 000072-75			
8	228.	CARED to Dr. Vorgias/Probation	CHCW 000091-94			
9	229.	February 13, 2019 Email from Dr. Lancaster regarding Demetrios' FMS	CHCW 000064-65			
10	230.	February 13, 2019 Email from Dr. Powers “Demetrious Vorgias Change in Schedule”	CHCW 000076			
11	231.	February 15, 2019 Letter from Laura Moss to Dr. Powers	CHCW 000077			

1	232.	February 26, 2019 CARED Meeting regarding remaining on Probation	CHCW 000165-166			
2	233.	March 2019 “Clinical Question” emails with Dr. Powers	CHCW 000206-227			
3	234.	April 17, 2019 CARED Meeting regarding status and progress during Probation	CHCW 000078-79			
4	235.	April 19, 2019 Email from Cynthia Morales to Dr. Powers	CHCW 000093-94			
5	236.	April 23, 2019 Emails re “Vorgias FMS Evaluations”	CHCW 000084			
6	237.	April 23, 2019 Email from Dr. Papazian re “Vorgias FMS Evaluations”	CHCW 000080			
7	238.	April 24, 2019 CARED Meeting regarding termination	CHCW 000087-88			
8	239.	April 24, 2019 Quarterly Review	CHCW 000089-92			
9	240.	April 26, 2019 Email from Dr. Dhaliwal	CHCW 000085-86			
10	241.	May 1, 2019 “On the Fly Resident Evaluation” by Dr. Dhaliwal	VORGIAS 000186			
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1	242.	May 8, 2019 Email from Dr. Powers to Plaintiff	CHCW 000095-96			
2	243.	List of jobs Plaintiff applied to after separation of employment	PLTF 001155			
3	244.	2017 Resume	CHCW 000261			
4	245.	2021 Resume	PLTF 000145-147			
5	246.	November 3, 2020 EEOC Dismissal Notice	VORGIAS 000254-255			
6	247.	Shelly Lewis, MA, CRC, CLCP, ABVE/D CV Expert Report dated November 4, 2021	Disclosed on November 5, 2021			
7	248.	Shelly Lewis, MA, CRC, CLCP, ABVE/D CV	Disclosed on November 5, 2021			
8	9	10	11	12	13	14

C. RESERVATIONS

In addition to the foregoing, Defendant reserves the right:

- To use any exhibit on Plaintiff's list
- To call any person listed on any Plaintiff's witness list
- To call rebuttal/impeachment witnesses, any other party or witness identified during the discovery
- To use any document produced in discovery for purposes of impeachment or

1 rebuttal

- 2 • To call Records custodians of any person and/or entity named on any party's
3 witness list
- 4 • To call witnesses in rebuttal to allegations presented by Plaintiff during the
5 presentation of their case in chief
- 6 • To call any witness necessary to authenticate or lay foundation for documents.

7 DATED August 8, 2022.

8 By s/ Catharine M. Morisset

9 Catharine M. Morisset, WSBA #29682

10 Suzanne Michael, WSBA #14072

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CERTIFICATE OF SERVICE

I hereby certify that on the date below written, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and caused to be served a true and correct copy of same by the method indicated below and addressed as follows:

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Attorneys for Plaintiff

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Executed August 8, 2022 at Seattle, Washington.

Jazmine Matautia

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